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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,030	09/02/2005	Nigel Francis Gamble	0078/01680	5463
7590 Cherskov & Flaynik The Civic Opera Building 20 N Wacker Drive Chicago, IL 60606			EXAMINER KUMAR, RAKESH	
			ART UNIT 3654	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/527,030	Applicant(s) GAMBLE, NIGEL FRANCIS	
	Examiner Rakesh Kumar	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,6,7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wittern (US 5,570,811).

Referring to claims 1 and 4. Wittern disclose an apparatus for dispensing items from a vending machine comprising;

a track (50; Figure 6);

a pusher (66) mounted on the track (50) for movement along the track (50);

a spring (80; coil 81) mounted on the pusher (66) for urging the pusher along the track (50);

an axle (94 and 83) rotatably mounted on the pusher (66) ; and

at least two wheels (96 and 93) fixed to the axle (94 and 83) for simultaneous rotation, wherein each wheel positively engages the track (50).

Referring to claim 6. Wittern disclose an apparatus for dispensing items from a vending machine wherein a first end of the spring (80) is attached to a front end of the track (50 by screw 82; Figure 3) and a second end of the spring (80; coil 81) is attached to the pusher (66), whereby coiling of the spring (81) draws the pusher along the track (50).

Referring to claim 7. Wittern disclose an apparatus for dispensing items from a vending machine wherein a second axle (83; Col. 7 line 58-67) mounted on the pusher (66), wherein the second (coil end) end of the spring (80; coil 81) is coiled about the second axle (83).

Referring to claim 10. Wittern disclose an apparatus for dispensing items from a vending machine further comprising a latch (67; Figure 6) for retaining the pusher (66) at a desired position along the track (50).

Referring to claims 11 and 12. Wittern disclose an apparatus for dispensing items from a vending machine wherein a trigger means (62) located at the front end of the track (50), wherein the latch (67) is mounted on the track (50) and is operable by the trigger means (62) to release the pusher (66; the pusher moves forward to eject the front most article) from the desired position.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittern in view of Crepaldi (US 4,078,672).

Referring to claim 2 and 3. Wittern disclose an apparatus for dispensing items from a vending machine wherein the track (50) includes a smooth surface.

Wittern does not disclose the track including slots engagable with cogs bearing teeth.

Crepaldis disclose a feeding apparatus wherein a cog (58; Figure 6) bearing teeth is in mesh with a rack (59) comprising a series slots. The cog (58) being movable on rack (59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Wittern to include a track consisting of slots in combination with cogs as the wheels, to engage the slots as the cogs are rotated as taught by Crepaldis because the engaged cogs would prevent the pusher member from becoming skewed and assure that the pusher is flush with the surface of the article to be dispensed.

Allowable Subject Matter

Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

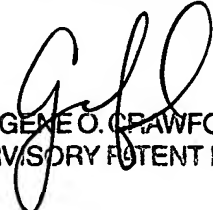
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

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December 29, 2006